

VERIFIED PETITION TO REDUCE CHILD SUPPORT DUE TO EMANCIPATION OF MINOR CHILD(REN)

General Instructions

PLEASE READ FIRST: It is very important for you to know that when you sign a Court document, you may be helping or hurting your case. Before you sign any Court document or get involved with a Court case, it is important that you see a lawyer to make sure you are doing the right thing. Although there are risks in self-representation, should you choose to represent yourself you must be prepared. Although these forms have been prepared to help you represent yourself, you should know that certain Courts have their own procedures and may not accept every form. You may represent yourself in court, but you will have to abide by the appropriate court rules, Indiana Rules of Evidence, Indiana Rules of Trial Procedure, and any local rules. For additional information, you may refer to the Indiana Self-Service Legal Center which can be found at www.in.gov/judiciary/selfservice/index.html. For legal advice about your case, you should contact a lawyer.

Step 1: Who should use this packet

You should use these forms if:

1. You do not have custody of your child(ren) and are ordered to pay support for the child(ren);
2. You have reason(s) to believe that at least one child for whom you are paying support to the same parent is emancipated; and
3. You want the court to reduce your child support payment.

A child is emancipated if the child has joined the armed services, has married, or is not under the care or control of either parent or someone else approved by the court. A child can also be emancipated if the child is at least 18 years old, has not gone to school for the last 4 months, is not enrolled in school, and is or is capable of supporting himself or herself through employment.

If the court finds that the child is only partially supporting himself or herself, the court can still order you to pay some support. If you have been ordered to pay child support for any children who are not emancipated, the court will re-calculate your support obligation for the unemancipated child(ren) based on your current income and that of the custodial parent. **There is a chance that, due to changes in income or other factors, that your support obligation might go up rather than down.**

If all of the children you have with the same parent are emancipated, you must use the Verified Petition to Terminate Child Support due to Emancipation of Minor Child(ren).

Step 2: What this packet contains

This packet contains forms for you to fill out and take to the Court if you want the current child support order reduced due to the emancipation of at least one child you have together with the other person. There are five (5) forms and a child support obligation worksheet that you must complete and submit to the Court in this packet. This packet also contains instructions and a guideline schedule for weekly support payments.

Step 3: Which forms to fill out

A. If you and the other parent **agree** on how to reduce your child support obligation due to the emancipation of a minor child or children, you should fill out and file the:

Form #1 Appearance form;

Form #2 Verified Petition to Reduce Child Support due to Emancipation of Minor Child(ren);

Form #4 Order Granting Reduction of Child Support due to Emancipation of Minor Child(ren);

Form #5 Agreed Entry to Reduce Child Support due to Emancipation of Minor Child(ren); **AND**
The Child Support Obligation Worksheet.

OR

B. If you and the other parent **do not agree** on how to reduce your child support obligation due to the emancipation of minor child(ren), you should fill out and file the:

Form #1 Appearance form;

Form #2 Verified Petition to Reduce Child Support due to Emancipation of Minor Child(ren);

Form #3 Notice of Hearing;

Form #4 Order Granting Reduction of Child Support due to Emancipation of Minor Child(ren); **AND**

The Child Support Obligation Worksheet.

Step 4: How to File These Forms

1. Follow the instructions attached to each form to fill it out. You will need to look at a copy of your current child support order to answer questions on these forms. You will need to type or print neatly in black ink. Do not write on the back or sides of the forms, write only in the blanks provided.
2. Before filing these forms, check with your local Clerk to find out the number of copies you must provide and to find out the manner your local court rules require of advising the other party of the hearing date.
3. Prepare the required number of copies of the forms that you have filled out. Take the forms and copies to the Clerk in the Court that issued the current child support order. The Clerk will file stamp the forms, keep the originals and necessary copies, and hand back the rest of the copies to you.
4. Mail one stamped copy of each form that you filed to the opposing attorney, or the opposing party if the opposing party is not represented by an attorney.
5. You must comply with your local court rules with regard to service of process. The Notice of Hearing form found in this packet might not satisfy your local rules. For example, you might have to fill out a summons to serve the other side.
6. Please be aware that any protective orders or restraining orders remain in effect throughout this process.
7. You must provide evidence at the hearing that the child(ren) is/are emancipated.

Instructions for filling out the *Appearance* (Form #1)

The instructions below correspond to the line numbers on the forms. Check the box in the first column as you complete each line.

	Line #	Instructions
	1 – 3	Look at the child support order you have from this case. Copy the title as it appears on those court papers.
	5	If you were married to your child(ren)'s other parent, print "Marriage" in the first blank. If you were not married to your child(ren)'s other parent, print "Paternity" in the first blank and print the names of the child(ren) you and the other parent have together in the second blank.
	7	Print the full name of the Petitioner as it appears on your Court papers.
	11	Print the full name of the Respondent as it appears on your Court papers.
	17	In the first blank, print whether you are the Petitioner or Respondent as it appears on the Court papers you have from this case. In the second blank, print your complete name.
	21, 22 & 23	Print the names and social security numbers of all family members involved in this case.
	24	Print the number of children involved in this case.
	25	Check "Yes" or "No" depending on whether there are other Court cases involving yourself and the other party.
	26 & 27	For each case, you should give the case number of the case, name the Court that the case is in, and describe what kind of case it is.
	28	Sign your name.
	30	Print your name.
	32	Print your complete mailing address.
	34	Print your town, state, and zip code.
	36	Print your telephone number, with area code.

**Instructions for filling out the Verified Petition To Reduce
Child Support Due to Emancipation of Minor Child(ren) (Form #2)**

The instructions below correspond to the line numbers on the forms. Check the box in the first column as you complete each line.

	Line #	Instructions
	1 – 3	Look at the child support order you have from this case. Copy the title as it appears on those court papers.
	5	If you were married to your child(ren)'s other parent, print "Marriage" in the first blank. If you were not married to your child(ren)'s other parent, print "Paternity" in the first blank and print the names of the child(ren) you and the other parent have together in the second blank.
	7	Print the full name of the Petitioner as it appears on your Court papers.
	11	Print the full name of the Respondent as it appears on your Court papers.
	16	Print your full name.
	20	Print the number of minor children that you and the other party have together.
	23 – 26	Print the name and date of birth of each of those children in these blanks.
	28	Fill in the first blank by printing the date the current child support order was issued. Print your name in the second blank.
	30	Print the name of the custodial party who receives the child support payment in the first blank. Print the current amount of child support ordered per week in the second blank. Print the date the current child support order started in the third blank.
	32 & 33	In these lines, print the name(s) of the child(ren) you believe is/are emancipated.
	37 – 49	Place an "X" in each parenthesis that fits the reason(s) your child(ren) is/are emancipated. Print the name of the child(ren) that is/are emancipated for that reason in the blank that follows each choice.
	51 & 52	In these blanks, print the date(s) you believe your child(ren) became emancipated. You will need to provide evidence of this to the judge.
	55	Print the name(s) of the child(ren) you believe is/are emancipated.
	63	Print your full name.

	69	Sign your name.
	71	Print your name.
	73	Print your complete mailing address.
	75	Print your town, state, and zip code.
	77	Print your telephone number, with area code.
	84	Print the date that you sent the stamped copy of your forms to the opposing party or their attorney. This should be the same day you filed your documents with the Court.
	86	Sign your name to acknowledge that you sent the stamped copy of your forms to the opposing party or their attorney.
	88	Print your full name to acknowledge that you sent the stamped copy of your forms to the opposing party or their attorney.

Instructions for filling out the Notice of Hearing (Form #3)

The instructions below correspond to the line numbers on the forms. Check the box in the first column as you complete each line.

	Line #	Instructions
	1 – 3	Look at the child support order you have from this case. Copy the title as it appears on those court papers.
	5	If you were married to your child(ren)'s other parent, print "Marriage" in the first blank. If you were not married to your child(ren)'s other parent, print "Paternity" in the first blank and print the names of the child(ren) you and the other parent have together in the second blank.
	7	Print the full name of the Petitioner as it appears on your Court papers.
	12	Print the full name of the Respondent as it appears on your Court papers.
	17	Print your full name.
	20 & 21	Do not write in these blanks. The Court will fill in these blanks.
	23	Print the name of the other party in the first blank. In the second blank, print the address where you want them to receive these papers.
	25 & 26	Do not write in these blanks. The Court will fill in these blanks.
	31	Print your name in the first blank. Print the other side's name in the second

		blank.
	33	Print your mailing address in the first blank. Print the other side's mailing address in the second blank.
	35	Print your town, state, and zip code in the first blank. Print the other side's town, state, and zip code in the second blank.

**Instructions for filling out the Order Granting Reduction of
Child Support Due to Emancipation of Minor Child(ren) (Form #4)**

The instructions below correspond to the line numbers on the forms. Check the box in the first column as you complete each line.

	Line #	Instructions
	1 – 3	Look at the child support order you have from this case. Copy the title as it appears on those court papers.
	5	If you were married to your child(ren)'s other parent, print "Marriage" in the first blank. If you were not married to your child(ren)'s other parent, print "Paternity" in the first blank and print the names of the child(ren) you and the other parent have together in the second blank.
	7	Print the full name of the Petitioner as it appears on your Court papers.
	12	Print the full name of the Respondent as it appears on your Court papers.
	18	Print your full name.
	22 – 26	Do not write in these blanks. The Court will fill in these blanks.
	31	Print your name in the first blank. Print the other side's name in the second blank.
	33	Print your mailing address in the first blank. Print the other side's mailing address in the second blank.
	35	Print your town, state, and zip code in the first blank. Print the other side's town, state, and zip code in the second blank.

**Instructions for filling out the Agreed Entry To Reduce
Child Support Due to Emancipation of Minor Child(ren) (Form #5)**

The instructions below correspond to the line numbers on the forms. Check the box in the first column as you complete each line.

	Line #	Instructions
	1 – 3	Look at the child support order you have from this case. Copy the title as it appears on those court papers.
	5	If you were married to your child(ren)'s other parent, print "Marriage" in the first blank. If you were not married to your child(ren)'s other parent, print "Paternity" in the first blank and print the names of the child(ren) you and the other parent have together in the second blank.
	7	Print the full name of the Petitioner as it appears on your Court papers.
	11	Print the full name of the Respondent as it appears on your Court papers.
	16	Fill in the first blank by printing your full name. Fill in the second blank by printing the full name of the other side.
	19	Print the number of minor children that you and the other party have together.
	21 – 24	Print the name and date of birth of each of those children in these blanks.
	26	Fill in the first blank by printing the date the current child support order was issued. Print your name in the second blank.
	28	Print the name of the custodial party who receives the child support payment in the first blank. Print the current amount of child support previously ordered per week in the second blank. Print the date the current child support order started in the third blank.
	33	In this line, print the name(s) of the child(ren) you believe is/are emancipated.
	35	Print your name in the first blank. Fill in the second blank by printing the name of the custodial party who will receive the child support payment.
	37	Print the amount of child support per week both parties have agreed should replace the current order.
	39	Sign your name in the first blank. Have the other side sign their name in the second blank if they agree with the terms of this agreed entry.

	41	Print your name in the first blank. Have the other side print their name in the second blank if they agree with the terms of this agreed entry.
	43	Print the date you signed this document on the first blank. Have the other side print the date they signed this document in the second blank.
	49 & 50	Do not write in these blanks. The Court will fill in these blanks.

Instructions for filling out the Child Support Obligation Worksheet

1. Fill out one Child Support Obligation Worksheet and include all children that you and the other party have together. You must fill out this worksheet as completely and correctly as you can.
2. You need to have Adobe Acrobat Reader to open, view, and print out the worksheet from the Indiana Self-Service Legal Center website. You may use a worksheet you obtained from another source.
3. The child support amount is calculated according to the parents' combined income and formulas established by the State of Indiana in the worksheet and guidelines.
4. Use a calculator and the guideline schedule for weekly support payments to fill out the worksheet. You should visit the Marion County website at www.indygov.org/cgi-bin/courts/support.cgi and use their child support calculator if you need assistance. You can find the Indiana guideline schedules for weekly child support payments at <http://www.scican.net/~cburnham/court/supsched.htm>. You can find general information at the about self-representation at the Indiana Supreme Court Pro Se Project's website at <http://www.in.gov/judiciary/selfservice/index.html>.
5. This packet does not assist you if a child that you and the other party have together is obtaining an education beyond high school. In such a case, you need to fill out and submit a Post-Secondary Education Worksheet to modify your child support obligation.
6. Helpful definitions:
 - a) weekly gross income – this means all income you make before taxes are taken out. Do not include any government assistance that you receive.
 - b) weekly adjusted income (WAI) - this means your weekly gross income minus any child support and spousal maintenance payments that you make.
 - c) percentage share of total WAI – this means your WAI divided by the total WAI.
 - d) basic child support obligation – this means the amount you get from the guideline schedule for weekly support payments

- e) parents' child support obligation – this means the total child support obligation multiplied by the percentage share of total WAI